

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Applicant's or agent's file reference 89843.114503 PCT		Date of mailing (day/month/year) 01 OCT 2007	
FOR FURTHER ACTION See paragraph 2 below			
International application No. PCT/US04/34237	International filing date (day/month/year) 15 October 2004 (15.10.2004)	Priority date (day/month/year) 17 October 2003 (17.10.2003)	
International Patent Classification (IPC) or both national classification and IPC IPC: Please See Continuation Sheet USPC: 16/388,389;312/293.2,315,326,327,328,329,409;220/810,845,62.11,88.2;109/64,58			
Applicant JOHN D. BRUSH & CO., INC.			

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application


2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 20 July 2007 (20.07.2007)	Authorized officer Robert J. Sandy  Telephone No. 571-272-3600
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Form PCT/ISA/237 (cover sheet) (April 2005)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US04/34237

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in electronic form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims NONE YES

Claims 1-19, 21, 22 and 24 NO

Inventive step (IS)

Claims NONE YES

Claims 1-24 NO

Industrial applicability (IA)

Claims 1-24 YES

Claims NONE NO

2. Citations and explanations:

Please See Continuation Sheet

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Supplemental Box
In case the space in any of the preceding boxes is not sufficient

Continuation of IPC:
E05D 7/14(2006.01);A47B 63/00(2006.01)
A47B 88/00(2006.01);E05G 1/02(2006.01);E05D 5/06(2006.01);7/00(2006.01)

V. 2. Citations and Explanations:

Claims 1-19, 21, 22 and 24 lack novelty under PCT Article 33(2) as being anticipated by Nave et al. (U. S. Patent No. 2,309,001). Nave et al. ('001) discloses a hinge (See Figs. 1-3) for a fire-resistant enclosure (10), wherein said enclosure includes a cabinet (10) having inner and outer walls (11, 12) spaced apart having insulating material (14) positioned therebetween, the cabinet having an access opening (15) and a first outer edge (19) surrounding the access opening, the enclosure also includes a door (16) having inner and outer walls (27, 28) spaced apart and having insulating material (29) positioned therebetween, the door having a second outer edge (see door detail in Fig. 3) that is adjacent to the first outer edge when the door is in a closed position, a false front (portion 22 between 18, 19) is coupled with the cabinet to define an internal hinge compartment (cavity defined between 11 and 12 and 22), and a bracket (43) is coupled with the false front, the hinge comprising: a cabinet end (at 45) pivotally coupled with the bracket (via pin 44); a door end (at 52) fixedly coupled with the door; a first segment (47) extending from said cabinet end in a generally linear direction; a second segment (48) extending from said first segment in a generally curved path wrapping around cabinet end approximately 90 degrees; a third segment (49) extending from said second segment in a generally linear direction, said third segment extending at an angle relative to said first segment; and a fourth segment (52) extending from said third segment in a generally linear direction to said door end, said fourth segment being generally perpendicular to said first segment;

(concerning claims 2, 11, 21 and 24) said hinge allows said door to open approximately 147 degrees relative to the closed position of the door;

(concerning claims 3 and 12) said cabinet end includes a pin (44);

(concerning claims 4 and 13) said third segment is angled approximately 20 degrees below a horizontal plane that is parallel with said first segment;

(concerning claims 5 and 14) said fourth segment extends toward a plane defined by said first segment;

(concerning claims 6 and 15) the door includes a jamb stop (54), wherein said door end is fixedly coupled with said jamb stop;

(concerning claims 7 and 16) the hinge is positioned within the internal hinge compartment;

(concerning claims 8 and 17) the first segment is generally parallel with the front surface (front surface adjacent to 54) of the door when the door is in the closed position;

(concerning claims 9 and 18) the fourth segment is generally perpendicular with the front surface of the door when the door is in the closed position;

(concerning claims 10, 21 and 24) Nave et al. ('001) discloses the fire-resistant enclosure (10), as stated above, comprising: the cabinet (20) having the inner and outer walls (11, 12) spaced apart having the insulating material (14) positioned therebetween, said cabinet having an access opening (15) and a first outer edge surrounding said access opening; a door (16) having inner and outer walls (28, 29) spaced apart and having insulating material (29) positioned therebetween, said door having the second outer edge that is adjacent

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Supplemental Box
In case the space in any of the preceding boxes is not sufficient.

to said first outer edge when said door is in a closed position; the false front coupled with said cabinet, said false front defining an internal hinge compartment; the bracket (43) coupled with said false front; and the hinge (see Figs. 1-3) as stated above.; and (concerning claims 19 and 22) a gasket (24) positioned on one of the second outer edge of said door and the first outer edge of said cabinet; and a rib (23) positioned on the other of said first and second outer edges, wherein said gasket and rib are positioned adjacent to one another when the door is in the closed position.

Claims 1-24, and particularly claims 20 and 23 lack an inventive step under PCT Article 33(3) as being obvious over Nave et al. ('001). Nave et al. ('001) discloses the claimed invention(s) set forth in claims 10 and 22, and further comprising wherein the first and second outer edges define a gap (gap between 34 and 22) when the door is in a closed position. However, Nave et al. ('001) does not describe wherein said gap is approximately 0.25 inches. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have recognized, or have provided, a 0.25 inch gap between the first and second outer edges in order to allow the gasket 24 to deform when the door is in the closed position, to thereby adequately seal the enclosure.

Claims 1-24 meet the criteria set out in PCT Article 33(4), and thus they meet industrial applicability because the subject matter claimed can be made or used in industry.